

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

VERNON MAULSBY,

Plaintiff,

v.

PHILLIP EPHRAIN, et al.,

Defendants.

CIVIL ACTION
NO. 22-4840

ORDER

AND NOW, this 14th day of June, 2023, upon consideration of the Commonwealth Defendants' Motion to Dismiss, (ECF 5), Maulsby's Response thereto, (ECF 14), and Wellpath's Motion to Dismiss, (ECF 9), it is hereby **ORDERED** that Wellpath's Motion is **GRANTED**. The Commonwealth Defendants' Motion is **GRANTED in part and DENIED in part** as follows:

1. Maulsby's claims under 42 U.S.C. § 1983 against Sorber and Little are **DISMISSED without prejudice**. To the extent Mauseby can amend his Complaint to allege personal involvement by Sorber and Little in delaying his medical care, he may do so **on or before July 14, 2023**.
2. Maulsby's state-law negligence claims against Sorber and Little are **DISMISSED with prejudice**.
3. Maulsby's claims against the Department of Corrections are **DISMISSED with prejudice**.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.